

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SAN CRISTOBAL ACADEMY, INC. and
DAVID C. JOHNSON,**

Plaintiffs,

V.

**CIVIL ACTION NO.
1:10-cv-01152-KG-KK**

**TRANSITIONAL LIVING CORP.,
KENT SHERMAN, TED EARL, JIM
HANLEY and STEPHEN COLE,**

Defendants.

FINAL JUDGMENT

The Court, having previously entered default judgments in favor of Plaintiffs against Defendant Ted Earl [Dkt. #154] and Defendant Transitional Living Corporation [Dkt. #204], issued an Order on October 1, 2015 requiring the parties to submit briefing and evidence on damages caused by the defaulting parties [Dkt. #207] pursuant to Federal Rule of Civil Procedure 55(b)(2). The Court, having considered the briefing and evidence submitted by the parties, makes the following findings:

1. Plaintiffs are entitled to a judgment for damages on their claims for fraudulent inducement and conspiracy against Defendants Ted Earl and Transitional Living Corporation;
2. Plaintiffs' liquidated actual damages are in the amount of \$600,000.00 to be recovered jointly or severally from Defendants Ted Earl and Transitional Living Corporation;
3. Plaintiffs are further entitled to a judgment for damages on their claims for breach of contract against Defendant Transitional Living Corporation;
4. Plaintiffs are therefore entitled to a recovery from Defendant Transitional Living Corporation of their necessary and reasonable attorneys' fees pursuant to A.R.S. §12-341.01(A);

5. Plaintiffs' necessary and reasonable attorneys' fees are in the amount of \$86,081 and shall be recoverable from Defendant Transitional Living Corporation; and

6. the post-judgment interest rate is calculated pursuant to 28 U.S.C. § 1961(a) and is determined by the rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week ending on November 13, 2015.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs David C. Johnson and San Cristobal Academy, Inc. shall have and recover of and from Defendants Ted Earl and Transitional Living Corporation, jointly and severally, the principal sum of \$600,000, plus post-judgment interest at the rate of 0.05% per annum from the date of this Final Judgment until paid.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs David C. Johnson and San Cristobal Academy, Inc. shall have and recover of and from Defendant Transitional Living Corporation their reasonable and necessary attorneys' fees and expenses in the amount of \$86,081 plus post-judgment interest on that amount at the rate of 0.05% per annum from the date of this Final Judgment until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of court are taxed against Defendants Ted Earl and Transitional Living Corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any party in favor of whom judgment is awarded is entitled to enforce this Final Judgment through abstract, execution and any other process necessary.

This is a final appealable order and all relief not expressly granted herein is denied.

SO ORDERED this 17th day of November, 2015.



UNITED STATES DISTRICT JUDGE